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Attorneys for Defendant
JUNIPER NETWORKS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IMPLICIT NETWORKS, INC.,

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

Case No. C 10-4234 SI

DECLARATION OF PETER ALEXANDER PH.D. IN SUPPORT OF JUNIPER NETWORKS, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT

Date: December 14, 2012
Time: 9:00 a.m.
Courtroom: 10

DECLARATION OF PETER ALEXANDER, PH.D.

I, Peter Alexander, declare as follows:

1. I have been retained as an independent expert witness by the law firm of Irell & Manella LLP on behalf of defendant Juniper Networks, Inc. ("Juniper") in the case captioned *Implicit Networks, Inc. v. Juniper Networks, Inc.*, Case No. 10-cv-4234-SI (N.D. Cal.) to provide opinions and conclusions as to whether Juniper has infringed the asserted claims of U.S. Patent Nos. 6,629,163 and 7,711,857. I have personal knowledge of the facts and opinions set forth in this Declaration, and, if called as a witness I could and would competently testify to these facts under oath.

2. My academic credentials include a Ph.D. from the Massachusetts Institute of Technology in Electrical Engineering, a Masters degree from the University of Illinois (Urbana) in Electrical Engineering, and a Bachelor of Science in Electrical Engineering from the University Canterbury, New Zealand.

3. The patents-in-suit claim purported inventions involving the field of computer networking software. My professional experience in this area is extensive. I have multiple years of software design and development experience involving networking products such as routers, bridges and gateways. From 1989 through 1992, in my capacity as the leader of a software development group at Fibronics International, Inc., I was responsible for the creation of source code used in products that provided Internet layer services to other application level software products. Specifically, I was responsible for the development of core Internet software protocols, such as Transport Control Protocol ("TCP") and Internet Protocol ("IP"), as well as higher level computer applications such as Domain Name Services ("DNS"), File Transfer Protocol ("FTP"), Network File System ("NFS"), and Telnet services. The IP software included functional components such as Address Request Protocol ("ARP"), Reverse Address Resolution Protocol ("RARP"), and Internet Control Message Protocol ("ICMP").

4. In addition I was involved with the design of software for Local Area Network ("LAN") bridges that carried diverse, multi-protocol traffic such as AppleTalk and Novell IPX, so I also have a broader understanding of other network protocol families.

5. Subsequent to this direct involvement with the design of software for bridges, routers and servers, I have gained substantial experience with network engineering for corporate local area networks ("LANs") and Wide Area Networks ("WANs"). For example, from 1997 to 2003, I was responsible for the implementation of LAN and WAN networks configured with commercial products such as firewalls, load balancers, web servers, application servers, routers, layer 2 switches, and client-server applications generally.

6. During this period I was typically responsible for corporate networks and I managed Information Technology ("IT") staffs of around 10-20 people. The specific companies involved were Syntricity, Inc., InfrastructureWorld.com, CareerPath.com and Platinum Software Corporation. My experience includes network configurations for file servers, email servers, firewalls, routers, layer 2 switches, Java application servers and web servers.

7. As a result of my involvement with the design of these networked components I am also well versed in the computer source code for software systems such as the Linux operating system, Apache web server, and the Tomcat application server that interact with the underlying network services.

8. I have over 30 years of software design and development experience using various programming languages appropriate for networking applications and infrastructure. These languages include C, C++, Java, as well as assembly language for various processors. I have developed TCP/IP protocol source code and related TCP/IP applications code using the C programming language. The TCP/IP source code developed was used as an embedded protocol stack in routers and bridges, and was also used as the core TCP/IP communications capability by companies marketing mainframe computers. During the early part of my career during the 1970s and 1980s, I was responsible for many defense-related software implementations that required embedded applications designed for communications and signal processing. These systems were developed in native assembly language or compiled C code to achieve high efficiency.

9. Further details of my background and experience, including a list of publications, are provided in my curriculum vitae, which is attached hereto as Exhibit B.

10. On September 11, 2012, I submitted my expert report in the above captioned matter. My report contains a true and correct description of my expert opinions in this case, as well as the bases, analysis and evidence supporting those opinions.

11. Attached hereto as Exhibit A and incorporated herein by reference is a true and correct copy of my September 11, 2012 Rebuttal Expert Report Regarding Non-Infringement Of U.S. Patents No. 6,629,163 and 7,11,857.

12. For the reasons set forth in my report (*e.g.*, ¶¶ 75-97), it is my expert opinion that the source code Dr. Nettles relies upon is not used in the Accused Products.

13. For the reasons set forth in my report (*e.g.*, ¶¶ 127-144 and 204-231), it is my expert opinion that, even considering the source code Dr. Nettles relied upon, Dr. Nettles has failed to demonstrate a "plurality of components" that satisfy the claim limitations, including, for example, the three distinct "state information" steps of the asserted claims.

14. For the reasons set forth in my report (*e.g.*, ¶¶ 145-175), it is my expert opinion that, even considering the source code Dr. Nettles relied upon, Dr. Nettles has failed to demonstrate the "for the first packet of the message, dynamically identifying a non-predefined sequence of components for processing the packets of the message such that the output format of the components of the non-predefined sequence match the input format of the next component in the non-predefined sequence."

15. For the reasons set forth in my report (*e.g.*, ¶¶ 176-198), it is my expert opinion that, even considering the source code Dr. Nettles relied upon, Dr. Nettles has failed to demonstrate the "wherein dynamically identifying includes selecting individual components to create the non-predefined sequence of components after the first packet is received."

Executed this 9th day of November 2012, at Eastham, Massachusetts.

Peter Alexander, PH.D.